IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21415 of 2004

Between:

1 Adepu Madhu, S/o Sathaiah,
R/o H.No.1-1-470, Bheemunidubba, Korutla Proper and Mandal,
Karimnagar District
2 Guntuka Srinivas, S/o Gangaram,
R/o H.No.2-4-107, Vinobha Road, Korutla Proper and Mandal,
Karimnagar District

..... PETITIONER(S)

AND

The Koratla Municipality, rep.by its Commissioner, Koratla Proper and Mandal,

Karimnagar District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the respondent authority in coming to the spot and earmarking the entire constructed compound wall for demolition and there by stopping the further finishing work of the compound wall which is being done in the land of the petitioner land admeasuring 1911.66 square yards equal to 1598.34 sqr.mtrs (16 guntas) in Sy.No.1529, 1532 and 1533 bounded by East open land of Basith Miyan West: 21' Wide Road, North-33' wide Road, south-24' wide road near by Katkam sangaiah function palace situated with in the limits of Korutla Municipality as arbitrary, illegal, null and void consequently direct the respondent authority not to demolish any portion of the compound wall in land admeasuring 1911.66 square yards equal to 1598.34 sqr.mtrs (16 guntas) in Sy.No.1529, 1532 and 1533 bounded by East.Open land of Basith Miyan West:21' wide road, North-33' Wide Road, South-24' wide Road near by Katkam sangaiah function palace situated with in the limits of Korutla Municipality except due process of law

Counsel for the Petitioner: MR.K.VENUMADHAV
Counsel for the Respondent : MR.R.TIMMA REDDY

The Court made the following :

The only grievance of the petitioner is that when he started construction of compound wall in his vacant site in an extent of 1911.66 Sq. Yards in Sy.No.1529, 1532 and 1533 of Koratla, Karimnagar District, the respondent is interfering with the construction and threatening to demolish the same.

Heard the learned counsel for the petitioner and Sri R.Thimma Reddy, learned standing counsel for the respondent.

Even according to the petitioner, he has not obtained necessary permission from the respondent – municipality for construction of the compound wall. The learned standing counsel for respondent submits that one has to obtain necessary permission from the Municipality even for construction of compound wall around open site.

In the circumstances, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is directed to file an application before the respondent for permission to construct compound wall, within two weeks from the date of receipt of a copy of this order. On such application being filed, the respondent shall pass appropriate orders in accordance with law. Till such time, both the parties shall maintain status quo obtaining as on today. The petitioner shall not make any further construction. In the event, the application of the petitioner is rejected, the respondent can proceed further to remove the construction made by the petitioner.

The writ petition is accordingly disposed of. No costs.

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23-11-2004

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To:

1.The Commissioner, Koratla Municipality, Koratla Proper and Mandal,

Karimnagar District

2. Two C.D copies